09 LC 36 1211

House Bill 94

By: Representative Stephens of the 164th

## A BILL TO BE ENTITLED AN ACT

- 1 To amend Chapter 1 of Title 46 of the Official Code of Georgia Annotated, relating to
- 2 general provisions relative to public utilities and public transportation, so as to provide for
- 3 a definition; to require that an electric company provide notice to property owners before
- 4 entering upon their property, except in the case of an emergency; to provide for the contents
- 5 of the notice; to provide for a penalty; to provide for applicability; to provide for related
- 6 matters; to repeal conflicting laws; and for other purposes.

## BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

- 9 Chapter 1 of Title 46 of the Official Code of Georgia Annotated, relating to general
- provisions relative to public utilities and public transportation, is amended by adding a new
- 11 Code section to read as follows:
- 12 ″<u>46-1-2.1.</u>

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- 13 (a) As used in this Code section, the term 'electric company' means all corporations,
- including, but not limited to, electric membership corporations, engaged in the business of
- either generating or transmitting electricity for light, heat, power, or other commercial
- purposes.
- 17 (b) Before entering upon any privately owned property for the purpose of accessing an
- easement owned by the electric company or for any purpose not rising to the level of an
- 19 emergency, the electric company shall serve notice upon all owners of such property by
- 20 <u>certified mail or statutory overnight delivery, return receipt requested, at least seven days</u>
- 21 <u>in advance of entering upon said property</u>. The service of such notice shall be deemed
- 22 <u>effective the date such notice is placed in the mail.</u>
- (c) Such notice shall:
- 24 (1) Describe the tract or parcel of land upon which the electric company intends to enter
- 25 <u>to perform work or an inspection with sufficient particularity to enable the owner of the</u>
- property to ascertain the precise tract or parcel of land involved;

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27 (2) State the name, address, and telephone number of the person at the electric company

- who will be in charge of the work or inspection;
- 29 (3) Describe the reason for the entry upon the property; and
- 30 (4) Designate the date upon which the work or inspection will commence and will be
- 31 <u>completed.</u>
- 32 (d) Any person convicted of a violation of this Code section shall be guilty of a
- 33 <u>misdemeanor</u>.
- 34 (e) This Code section shall not be applied to any existing easement, contract, or other
- agreement between a utility company and a property owner in existence prior to July 1,
- 36 2009, to the extent that this Code section would impair the obligation of such existing
- asement, contract, or other agreement."

38 SECTION 2.

39 All laws and parts of laws in conflict with this Act are repealed.